

Application No. 09/893,997  
Attorney Docket No. 45900-000625/US

### REMARKS

Claims 1-4, 6, 8-12, 14-28 and 30-35 are pending in this application. By this Amendment, claim 1 is amended. The amendment to claim 1 is to correct the typographical error, namely, replace the term "surround" with the term "sound". No new matter is added.

Further, Applicants have re-submitted the remarks under the claim rejections to similarly correct the typographical errors.

Favorable consideration and allowance of this application are respectfully requested.

### CLAIM REJECTIONS - 35 U.S.C. § 102 (KILLION)

Claims 1-4, 6, 8-10, 12, 17 and 34 are rejected under 35 U.S.C. § 102(b), as being anticipated by Killion et al. (hereinafter "Killion"), U.S. Pat. No. 5,524,056. This rejection is respectfully traversed.

As discussed and agreed by the Examiner during the interview, Applicants submit that Killion fails to disclose or suggest, *inter alia*, "a casing surrounds at least a part of the one or more sound inlet ports", as recited in claim 1.

Applicants have read the entire passage of Killion and cannot ascertain a "casing", let alone, a casing that surrounds at least a part of one or more sound inlet ports. As an example embodiment of the present invention, Figs. 1-3 illustrate a casing 8 surrounding at least a portion of the sound inlet ports 5.

Because Killion fails to disclose each and every feature of claim 1, it cannot provide a basis for a rejection under 35 U.S.C. § 102.

For at least these reasons, claim 1 is allowable. Claims 2-4, 6, 8-10, 12, 17 and 34 are also allowable by virtue of their dependency on allowable independent claim 1.

Withdrawal of the rejection is respectfully requested.

**CLAIM REJECTIONS - 35 U.S.C. § 102 (RUEGG)**

Claims 1-4, 6, 8-10, 12, 17 and 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ruegg, U.S. Pat. No. 3,875,349. This rejection is respectfully traversed.

As discussed and agreed by the Examiner during the interview, Ruegg fails to disclose or suggest, *inter alia*, "a casing surrounds at least a part of the one or more sound inlet ports", as recited in claim 1.

As similarly discussed above with regard to Killion, Ruegg also fails to disclose or suggest a "casing" member.

Because Ruegg fails to disclose each and every feature of claim 1, it cannot provide a basis for rejection under 35 U.S.C. § 102.

For at least these reasons, claim 1 is allowable over Ruegg. Claims 2-4, 6, 8-10, 12, 17 and 34 are also allowable by virtue of their dependency on allowable independent claim 1. Withdrawal of the rejection is respectfully requested.

**CLAIM REJECTIONS - 35 U.S.C. § 103**

Claims 11 and 12 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Killion or Ruegg. This rejection is respectfully traversed.

Applicants submit that the combination of Killion and Ruegg fails to cure the noted deficiency set forth above with respect to Killion and Ruegg. In particular, Killion and Ruegg neither disclose nor suggest the casing surrounds at least a part of the one or more sound inlet ports, as recited in claim 1. Accordingly, as Killion and Ruegg fail to teach or suggest each features of the claim, the rejection under 35 U.S.C. § 103 is improper. Withdrawal of the rejection is respectfully requested.

Application No. 09/893,997  
Attorney Docket No. 45900-000625/US

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 1-4, 6, 8-12, 14-28 and 30-35 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

John A. Castellano, Reg. No. 35,094

P.O. Box 8810  
Reston, Virginia 20195  
(703) 668-8000

JAC/DJC/cm